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Date: May 19, 2008  
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From: Ellen Grzelak/John E. Miller  
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Client Number: 22727 Matter Number: 04212 Client Name: Ohio State Research.

Number of Pages: 4

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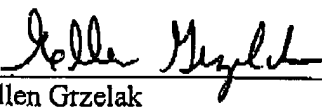
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### Detailed Description of Documents Attached:

- Facsimile Transmittal -- 1 page
- Submission Under 37 CFR 1.28 (c)(1) and (c)(2) to Correct Fee Deficiency  
Due to Small Entity Status Claimed in Error (2) pages

  
Ellen Grzelak

Date

May 19, 2008

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the papers itemized below for  
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Signed: Evelyn Grzelak  
Evelyn Grzelak

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/778,018  
Applicant : Steven Martin et al  
Filed : February 12, 2004  
Group Art Unit : 1638  
Confirmation No. : 3349  
Examiner : Keith O'Neal Robinson  
Atty. Docket No. : 22727/04212

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Commissioner for Patents  
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**CORRECTION OF ERROR IN SMALL ENTITY STATUS**

Sir:

On February 12, 2004, a small entity assertion was made upon filing the above-identified patent application with the U.S. Patent Office. The assertion of small entity status in this application and the payment of all subsequent fees as a small entity were made in good faith.

Applicants, upon discovering that the payments made below based upon small entity status were in error seeks to have the error excused under 37 CFR 1.28(c).

05/23/2008 DALLIN 00000006 030172 10778018

01 FC:1461 4884.00 DA

{00286524.DOC;1}

PAGE 2/4 \* RCVD AT 5/19/2008 3:34:03 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-5/39 \* DNIS:2738300 \* CSID:2162410816 \* DURATION (mm-ss):01-06

Correction of Error in Small Entity Status  
Attorney Docket No. 22727/04212

Itemization

Date	Fee type	Amount actually paid as a small entity	Current non-small entity fees	Deficiency
12/10/2007	Issue Fee/Publication Fee	\$1020	\$1740	\$720
06/15/2007	Fee for Claims in Excess of twenty (20) filed with Amendment.- Claims remaining after amendment 49 - highest number previously paid for 38	0	11x50=\$550	\$550
04/12/2007	Two Month Extension of Time Fee	\$225	\$460	\$235
04/12/2007	Fee for Claims in Excess of twenty (20) filed with Amendment.- Claims remaining after amendment 38 - highest number previously paid for 35	0	3x50=\$150	\$150
09/05/2006	Three Month Extension of Time Fee	\$510	\$1050	\$540
09/05/2005	Fee for Independent Claims in Excess of three (3) filed with Amendment.- Claims remaining after amendment 9 - highest number previously paid for 8	1 x \$100 = \$100	1x210 = \$210	\$110
09/05/2005	Fee for Claims in Excess of twenty (20) filed with Amendment.- Claims remaining after amendment 35 - highest number previously paid for 24	\$145  (Total fee paid on 09/05/05 was \$755)	11x50=\$550	\$405
12/06/2005	One Month Extension of Time	\$55	\$120	\$65

Correction of Error in Small Entity Status  
Attorney Docket No. 22727/04212

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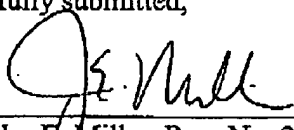
08/19/2004	2 Month Extension of Time	\$210	\$460	\$250
08/19/2004	Surcharge for Filing Missing Parts	\$65	\$130	\$65
08/19/2004	Fee for Multiple Dependent Claim	0	\$370	\$370
08/19/2004	Fee for Independent Claims in Excess of three (3)	5 x \$43 = \$215	5 x \$210 = \$1,050	\$835
08/19/2004	Fee for Claims in Excess of twenty (20)	4 x \$9 = \$36	4 x \$50 = \$200	\$164
08/19/2004	Utility Filing Fee	\$385	\$810	\$425
	<b>Total Paid</b>	<b>\$2966</b>	<b>Total deficiency payment owed: \$7850</b>	<b>\$4884</b>

The total fees erroneously paid under small entity status was \$ 2966. Applicants have also noted that certain fees that should have been paid as a small entity were, in fact, not paid at the time. Therefore, Applicants have made a good faith effort to record all the fees that should have been paid, as well as all the fees that were actually paid. The deficiency payment, which is the difference between the current non-small entity fees and the erroneously paid small entity fees is \$4884. The Patent Office is hereby authorized to charge \$4884 to Deposit Account No. 03-0172, which is believed to be the amount required to excuse the error. It is believed that no further fees are required to excuse this error, however, if this is not the case the Patent Office is hereby authorized to charge any additional required fee to Deposit Account No. 03-0172, order number 22727/04212.

Respectfully submitted,

Date: May 19, 2008

By:

  
John E. Miller, Reg. No. 26,206  
Customer No. 24024  
Telephone: 216-622-8679